



December 17, 1998

1998 DEC 17 PM 3 57

Mr. K. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

*IN RE: BellSouth Telecommunications, Inc.'s Entry Into Long Distance  
Service In Tennessee Pursuant To Section 271 Of The  
Telecommunications Act Of 1996  
Docket No. 97-00309*

Dear Mr. Waddell:

Enclosed are the original and 13 copies of NEXTLINK's matrix comparing the findings of the Federal Communications Commission in BellSouth Telecommunications, Inc.'s ("BellSouth's") Second 271 application in Louisiana with NEXTLINK's positions on the same issues in the record of the above captioned docket. This matrix was requested at the status conference held on November 19, 1998.

The matrix does not reflect any response by NEXTLINK to BellSouth's late filed evidence in this docket, as such response will be filed at a later date. Similarly, the matrix does not reflect NEXTLINK's agreement, if any, with BellSouth on the current status of checklist items 8 and 10; such items have been the subject of further discussions between the parties pursuant to the November 19<sup>th</sup> conference. Such agreement, if any, will be filed jointly by the parties on December 21, 1998, as requested by the hearing officer.

Please contact me if you need further information on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Shaffer".

Dana R. Shaffer  
Vice President  
Legal and Regulatory Affairs

cc: Counsel of Record

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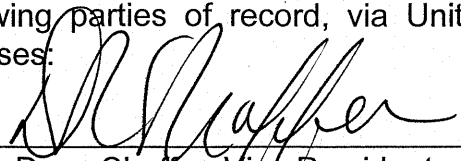
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CERTIFICATE OF SERVICE

I, Dana Shaffer, hereby certify that on December 17, 1998, a true and correct copy of the attached documents was served on the following parties of record, via United States mail, postage pre-paid to the following addresses:



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Checklist Item	FCC's Second Louisiana Order	NEXTLINK's Position in TN 271 Proceeding <sup>1</sup>
(1) Interconnection	<p>BellSouth failed to satisfy this item of the checklist because it failed to provide new entrants with: "sufficiently definite terms and conditions for collocation<sup>2</sup>" and "binding installation intervals for collocation.<sup>3</sup>" Further, BellSouth failed to demonstrate that it is providing "interconnection trunks in a manner that is equal in quality to the way in which it provisions trunks for its own services<sup>4</sup>" In particular, the Commission said BellSouth is not providing interconnection trunks on a non-discriminatory basis because "competitive LECs experienced approximately twice as many incidents of trunk blockage as BellSouth's retail customers.<sup>5</sup>"</p>	<p>BellSouth has not met this checklist item because BellSouth failed to provide interconnection facilities to NEXTLINK that are at parity with BellSouth's facilities. In particular, NEXTLINK had six major network outages caused by BellSouth, and BellSouth blocked calls from CLECs more frequently than calls coming from within its own network. Furthermore, BellSouth has limited the manner in which CLECs can interconnect with BellSouth. As stated in NEXTLINK's post-hearing brief: "BellSouth has failed in its obligation to provide interconnection at parity by delaying and restricting end office and local tandem interconnection.<sup>6</sup>"</p>
(2) Unbundled Network Elements	<p>BellSouth failed to meet this checklist item since it did not demonstrate that it provides non-discriminatory access to OSS pre-ordering functions, OSS ordering and provisioning functions, repair and maintenance OSS functions and access to billing information. The FCC also concluded that BellSouth failed to meet this checklist item because it limits a "competitive carrier's choice to collocation as the only method for gaining access to and recombining network elements.<sup>7</sup>"</p>	<p>BellSouth has not met this checklist item for several reasons. First, BellSouth has not demonstrated that it is offering carriers the ability to recombine UNEs, as required by the FCC's BellSouth South Carolina Order. Similar to Louisiana, in Tennessee "BellSouth requires that CLECs collocate at BellSouth central offices to access loops and other network elements.<sup>8</sup>" Secondly, BellSouth is not providing access to OSS, including the pre-ordering function, the ordering and provisioning function.</p>

<sup>1</sup> NEXTLINK was not a participant in the Louisiana 271 proceeding.

<sup>2</sup> FCC Louisiana II Order para. 66

<sup>3</sup> FCC Louisiana II Order para. 70

<sup>4</sup> FCC Louisiana II Order para. 65

<sup>5</sup> FCC Louisiana II Order para. 77

<sup>6</sup> NEXTLINK Post Hearing Brief, p. 21

<sup>7</sup> FCC Louisiana II Order para. 164

<sup>8</sup> NEXTLINK Post Hearing Brief, p. 39

Checklist Item	FCC's Second Louisiana Order	NEXTLINK's Position in TN 271 Proceeding
(3) Poles, Ducts, Conduits and Right-of-Way	The FCC held that BellSouth met this checklist item in Louisiana since it had demonstrated that it has "established non-discriminatory procedures for : (1) evaluating facilities requests pursuant to section 224 of the Act and the <i>Local Competition Order</i> ; (2) granting competitors nondiscriminatory access to information on facilities availability; (3) permitting competitors to use non-BellSouth workers to complete site preparation; and (4) compliance with state and federal rates. <sup>9</sup> "	NEXTLINK did not address this issue.
(4) Unbundled Local Loops	BellSouth did not meet this checklist item because it failed to "demonstrate that it provides local loop transmission, unbundled from local switching or other services" in accordance with the FCC's rules. <sup>10</sup> Specifically, BellSouth fails to demonstrate that it provides "access for the provisioning and ordering of unbundled local loops sufficient to allow an efficient competitor a meaningful opportunity to compete." <sup>11</sup> Furthermore the FCC recognized competing carriers' concerns regarding scheduling delays for cutovers of local loops, and concluded that CLECs provided sufficient "evidence that BellSouth has not completed loop cutovers in a timely manner." <sup>12</sup>	BellSouth has not provided non-discriminatory access to unbundled local loops. Specifically, BellSouth's disconnection of NEXTLINK customers' service, its delays in provisioning loops and its unbundling of only certain types of loops evidence BellSouth's failure to meet this checklist item. For example, BellSouth has refused to unbundle loops served by integrated digital loop carrier (IDLC) technology. As NEXTLINK said in the testimony of Lisa Dickinson and in its post-hearing brief: BellSouth's inability to provision unbundled local loops in a timely manner severely discriminates against NEXTLINK.
(5) Unbundled Local Transport	BellSouth failed to meet this checklist item because it did not provide efficient means for pre-ordering, ordering and provisioning, and repair and maintenance OSS functions for unbundled local transport.	NEXTLINK did not address this issue.

<sup>9</sup> FCC Louisiana II Order para. 174

<sup>10</sup> FCC Louisiana II Order para. 189

<sup>11</sup> FCC Louisiana II Order para. 192

<sup>12</sup> FCC Louisiana II Order para. 194

Checklist Item	FCC's Second Louisiana Order	NEXTLINK's Position in TN 271 Proceeding
(6) Unbundled Local Switching	BellSouth failed to meet this checklist item because it fails to demonstrate that it is "providing local switching unbundled from transport, local loop transmission or other services." <sup>13</sup> In particular, BellSouth contended that it was only "legally obligated to make available vertical features that it currently offers to its retail customers." <sup>14</sup> The FCC disagreed and said that BOCs must "provide all vertical features that the switch is capable of providing" in order to give competitors using unbundled local switching an ability to compete more effectively. <sup>15</sup> The FCC also ruled that BellSouth failed to meet this checklist item because it is not providing enough usage information to CLECs in order bill BellSouth for terminating intralATA exchange access traffic where BellSouth is the intralATA toll carrier. <sup>16</sup>	BellSouth has not met this checklist requirement in Tennessee for reasons similar to those found by the FCC in its Louisiana II decision—BellSouth has not been passing sufficient information in the call records it sends NEXTLINK in order for NEXTLINK to bill BellSouth for intralATA toll traffic (where BellSouth is the intralATA toll provider.)
(7) 911/E911 and Directory Assistance/Operator Services	Although the FCC ruled BellSouth provided non-discriminatory access to 911/E911 services, the Commission found that BellSouth did not demonstrate that it provided nondiscriminatory access to directory assistance and operator services. Specifically, BellSouth failed to comply with the Commission's "rebranding" requirements, and it failed to "provide subscriber listing information in its directory assistance database in a way that allows competing carriers to incorporate that information into their own database." <sup>17</sup>	BellSouth failed to meet this checklist item because it has not provided NEXTLINK non-discriminatory access to directory assistance. As stated in its brief, NEXTLINK's "customers are often not added to BellSouth's directory assistance database for two to three weeks after they convert their telephone service to NEXTLINK." <sup>18</sup> This delay is clearly discriminatory to NEXTLINK as BellSouth customers that call BellSouth directory assistance looking for NEXTLINK customers' numbers will not be found. No commenting parties in the Second Louisiana 271 proceeding indicated that they had these types of problems.

<sup>13</sup> FCC Louisiana II Order para. 210

<sup>14</sup> FCC Louisiana II Order para. 216

<sup>15</sup> FCC Louisiana II Order para. 217

<sup>16</sup> FCC Louisiana II Order para. 231

<sup>17</sup> FCC Louisiana II Order para. 249

<sup>18</sup> NEXTLINK Post Hearing Brief p. 48

Checklist Item	FCC's Second Louisiana Order	NEXTLINK's Position in TN 271 Proceeding
(8) White Pages Directory Listings	The FCC found that BellSouth met this checklist item in Louisiana because it demonstrated that it was providing: "(1) nondiscriminatory appearance and integration of white page listings to customers of competitive LECs; and (2) it provides white page listings for competitor's customers with the same accuracy and reliability that it provides its own customers." <sup>19</sup>	In Tennessee, BellSouth has not met this checklist item because BellSouth has failed to list names and numbers of a large number of NEXTLINK's customers in the BellSouth white pages directory listing with the same accuracy and in the same manner that it lists its own customers. <sup>20</sup> No commenters alleged in the Second Louisiana 271 proceeding that they had experienced these types of problems.
(9) Numbering Administration	In Louisiana, the FCC held that BellSouth met this checklist item because it demonstrated that it has "provided nondiscriminatory access to telephone numbers for assignment to other carriers' telephone exchange service customers." <sup>21</sup>	NEXTLINK did not address this issue.
(10) Databases and Associated Signaling	The FCC found that BellSouth met this checklist item in Louisiana because it demonstrated that it provides nondiscriminatory access to databases and associated signaling necessary for call routing and completion. "None of the commenters allege that BellSouth has failed to meet its obligations with regard to nondiscriminatory access to databases and associated signaling." <sup>22</sup>	BellSouth has not satisfied this checklist item in Tennessee. Because BellSouth has delayed its implementation of access to NEXTLINK's caller name (CNAM) database, BellSouth customers that have purchased the CNAM feature from BellSouth will not receive NEXTLINK's customers' names when NEXTLINK customers call BellSouth customers. This discriminates against NEXTLINK's customers. Furthermore, NEXTLINK had been trying to coordinate a primary and alternate signaling arrangement with BellSouth for more than one year. Because BellSouth failed to respond to NEXTLINK's requests, NEXTLINK was forced to take the issue to arbitration.

<sup>19</sup> FCC Louisiana II Order para. 253

<sup>20</sup> NEXTLINK Post Hearing Brief p. 49

<sup>21</sup> FCC Louisiana II Order para. 262

<sup>22</sup> FCC Louisiana II Order para. 267

Checklist Item	FCC's Second Louisiana Order	NEXTLINK's Position in TN 271 Proceeding
(11) Number Portability	BellSouth did not satisfy this checklist item because BellSouth failed to demonstrate that it is providing number portability without "impairment of quality, reliability or convenience" when switching from one carrier to another. <sup>23</sup> In particular, the FCC said BellSouth failed to demonstrate that "it is adequately coordinating unbundled loops with its provision of number portability." <sup>24</sup>	BellSouth has not met this checklist item because of failures to provide number portability with the same quality BellSouth provides to itself. In particular, BellSouth has delayed the implementation of interim number portability coordinated with the provision of unbundled local loops. Further, NEXTLINK feels BellSouth's OSSs for ordering interim number portability are insufficient.
(12) Local Dialing Parity	The FCC held that BellSouth had demonstrated in Louisiana that it had satisfied this checklist item because competing carriers are able to dial the same number of digits that BellSouth's customers dial to complete a local telephone call. <sup>25</sup>	NEXTLINK did not address this issue.
(13) Reciprocal Compensation	The FCC concluded that BellSouth met this checklist item in Louisiana because it demonstrated that it had executed interconnection agreements with the required reciprocal compensation provisions and that BellSouth was "making all required payments in a timely fashion." <sup>26</sup>	In Tennessee, BellSouth has not met this checklist item because it has refused to pay reciprocal compensation to NEXTLINK and other CLECs for calls BellSouth terminates to internet service providers served by CLECs.
(14) Resale	In Louisiana, with the exception of deficiencies in its OSSs (as described in checklist item 2), the FCC found BellSouth has satisfied this checklist item.	NEXTLINK did not address this issue.

<sup>23</sup> FCC Louisiana II Order para. 278

<sup>24</sup> FCC Louisiana II Order para. 279

<sup>25</sup> FCC Louisiana II Order para. 296

<sup>26</sup> FCC Louisiana II Order para. 299